

REMARKS

The application has been reviewed in light of the Office Action mailed June 28, 2005. Reconsideration is respectfully requested in light of the following.

Claims 25-27, 29-31, 33-35 and 37-39 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over several claims of U.S. Patent No. 6,628,595. Applicants are enclosing herewith a Terminal Disclaimer to overcome the double patenting rejection.

Claims 26, 27, 30, 31, 34, 35, 38 and 39 (all dependent claims) stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Office Action rejects “the subject matter related to ‘allocating the at least two or more discrete write power[s] to a [single] rectangular recording pulse.’” The rejection is respectfully traversed for the following reasons. Should the Examiner disagree with following reasons, Applicants respectfully request that the Examiner contact Applicants’ representatives at (202) 777-2592 to discuss the issue.

“An applicant shows possession of the claimed invention by describing the claimed invention with all of its limitations using such descriptive means as words” MPEP § 2163.02. In this case, the written description requirement is satisfied because the rejected claim limitation is described in the as-filed written specification.

Exemplary claim 26 recites that “the step of allocating the two or more discrete write powers to the single recording pulse pattern [of claim 25] includes the step of allocating the two or more discrete write powers to a single rectangular recording pulse.” The specification specifically discloses that a scheme of the invention is “a rectangular wave recording scheme in which, in order to record any of the plural kinds of marks having different lengths on the storage medium, a single recording pulse is selected [and] may be used in the optical recording method and apparatus of the present invention.” Specification, page 21, lines 5-9. Thus, the rejected limitation is

described in the specification in detail so that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. MPEP § 2163.I.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Dated: September 28, 2005

Respectfully submitted,

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